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Fourth Floor
1755 Jefferson Davis Highway
Arlington, VA 22202

In re Application of
LUU, Bang, et al.
Application No.: 09/890,969
PCT No.: PCT/JP00/00742
Int. Filing Date: 10 February 2000
Priority Date: 10 February 1999
Attorney Docket No.: 211815US0PCT
For: USE OF A CYLOHEXENONE
LONG-CHAIN ALCOHOL FOR
TREATING
NEURODEGENERATIVE DISEASES

DECISION ON

PETITION UNDER

37 CFR 1.47(a)

This is in response to applicants' "Renewed Petition Under 37 CFR §1.47(a)" filed in the United States Patent and Trademark Office (USPTO) on 30 June 2003.

BACKGROUND

On 10 February 2000, applicants filed international application PCT/JP00/00742. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 17 August 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 03 August 2000, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 10 August 2001.

On 08 August 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 15 October 2001, USPTO mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late furnishing of the oath or declaration were required.

On 11 April 2002, applicants filed "Petition Under 37 CFR §1.47(a)" accompanied by, *inter alia*, the Notification of Missing Requirements dated 11 September 2001 and a combined declaration and power of attorney.

On 03 September 2002, the Office mailed "Decision On Petition Under 37 CFR 1.47(a)" dismissing applicants' petition without prejudice.

On 03 December 2002, applicants filed "Renewed Petition Under 37 C.F.R. §1.47(A)" accompanied by a request for a one month extension of time and the fee for a one month extension of time.

On 03 February 2003, applicants submitted a copy of the 03 December 2003 petition along with a copy of a postcard receipt.

On 28 April 2003, the Office dismissed applicants' renewed petition.

On 30 June 2003, applicants submitted a renewed petition accompanied by a petition under 37 CFR 1.182.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (2) and (3) were previously satisfied.

Item (4) has now been satisfied. Applicants have supplied a petition under 37 CFR 1.182 to change the name of Florence Keyling to Florence Keyling-Bilger in the application. The declaration of Ms. Keyling-Bilger is signed in both names and states the procedure by which the name changed. As such, the declaration complies with both 37 CFR 1.47 and 37 CFR 1.497(a)-(b).

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including accordation of a 35 U.S.C. date of 11 April 2002.



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NEURODEGENERATIVE DISEASES

Dear Mr. Chabert:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper-in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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